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guilty of an unlawful act and upon conviction by the police judge shall be fined not less than \$5 nor more than \$50.

SEC. 4. It shall be the duty of the board of health to provide the means and supervise the removal and disposal of excrement from the aforesaid privy vaults, closets, cesspools, or other places of the like nature at such times and as often as it may deem necessary when the same shall be found to be in an unsatisfactory or unsanitary condition.

The board of health when requested by any property owner shall clean any privy vaults, closets, cesspools, or other place of the like nature the same as though the property had been inspected and found to be in an unsatisfactory or unsanitary condition, at the same price and upon the same terms as is provided in section 5 hereof.

SEC. 5. That the board of health is hereby empowered and directed to charge and collect 25 cents for each bushel of excrement removed from a privy provided with a water-tight receptacle and 50 cents for each bushel of excrement removed from privies not provided with water-tight receptacles and such amount as is reasonable and necessary for the cleaning of cesspools: *Provided, however,* That, no charge shall be less than 50 cents for the cleaning of any privy not provided with a water-tight receptacle.

The amount so charged and collected shall be used to defray the expenses of disinfection of such privies and scavenging done there.

SEC. 6. That the cost of such removal and cleaning shall be at the expense of the property owner, and the cost shall be certified by the health commissioner to the sergeant whose duty it shall be to notify the person or persons owning the property of the amount due, which shall be payable within 30 days next thereafter; and if the property owner or owners do not pay the said bill within such time, then the sergeant shall turn over such bills to the city attorney, who shall proceed by proper legal proceedings to collect the same, adding thereto 10 per cent of the amount of such bill as a penalty for nonpayment.

#### **Milk and Milk Products—Production, Care, and Sale. (Ord. Aug. 6, 1914.)**

SECTION 1. *Permits.*—That every person before selling milk or offering it for sale in the city of Martinsburg, or before conveying same in carriage or otherwise for the purpose of selling or delivering same, or before selling or delivering to any other person who sells or delivers milk into the city of Martinsburg, shall first secure a permit to do so. Application for said permit shall be made to the city health commissioner, and shall be in writing on a blank furnished to the applicant for such purpose. Said blank shall be filled out by the applicant, who shall give the names and place of residence of every person employed by him in the handling, producing, selling, or delivering of milk, together with the names and place of residence of any person from whom he purchases or receives milk, and said application shall contain an agreement that the city health commissioner, his deputies, or assistants shall have the right at any time to inspect his cows, premises, or methods of handling milk; and if at any time such persons shall employ other persons in the handling of his milk, or shall purchase milk from any person not hitherto reported by him, then, in either case, he shall, before selling or delivering such milk, report such fact to the health commissioner.

SEC. 2. *Permits not transferable.*—All permits shall be issued only in the name of the person making the application therefor; and said permits shall not be transferable except with the consent or indorsement thereon of the city health commissioner.

SEC. 3. *Permits, when renewable.*—Permits shall be good for one year and shall be renewed in the month of April of each year, at a cost of \$5 to the applicant, except that the permit issued this year shall be issued 30 days after the passage of this ordinance and shall be good until the 1st day of May, 1915, and shall be issued at a cost to the applicant of but \$3.33.

SEC. 4. *Permits, when issued—Requirements.*—Permits shall be issued by the city health commissioner only after the applicant has complied with all the provisions above set forth, and after said commissioner has fully satisfied himself that each applicant has also complied with the following requirements:

(a) All water used in washing milk bottles, buckets, strainers, and all other utensils, etc., used in the production, handling, selling, or conveying of milk shall be "safe water," that is, which contains no colon bacilli.

(b) All milk houses or other buildings used in the temporary storage of milk, or in washing and drying milk bottles, utensils, etc., shall be screened from flies. And it shall be the duty of any applicant for a permit as aforesaid to store, or cool (unless container be closed), measure, and bottle milk, and to wash and dry milk bottles, utensils, etc., in such screened house.

(c) All manure shall be placed in bins, and such bins shall be screened from flies.

(d) No milk shall be sold except from apparently healthy cows, and the presence of any diseased animal in a herd from which milk is sold shall be *prima facie* evidence that the milk of such diseased animal is sold contrary to law; and no milk shall be sold from any cow within 15 days before nor within 5 days after calving.

SEC. 5. *Requirements, contagious diseases.*—When any person engaged in the production, storage, sale, or distribution of milk shall be suffering from any contagious or infectious disease, or in whose residence or among whose immediate associates any such contagious or infectious disease exists, or among whose employees or their immediate associates any such disease exists, or when any such disease exists in any building used in any manner in the milk business, no milk which has passed through the hands of or come in contact with such person or which has been stored in or passed through such building shall be sold or delivered without the consent of the city health commissioner.

SEC. 6. No person who is in any way connected with the business of producing, handling, selling, or delivering milk shall enter any place where exists any contagious or infectious disease nor associate in any manner with anyone who is an occupant of such place; but this shall not prevent milk being delivered to the door of such place, provided such empty milk bottles are not returned except under the direction and supervision of the city health commissioner.

SEC. 7. *Reporting contagious diseases.*—Every producer of milk who sells directly to the consumer or who sells to another person for resale shall promptly notify the city health commissioner of any case of a contagious or infectious disease among his employees, their immediate associates, or members of their family.

SEC. 8. No person, either producer or consumer, shall place or permit to be placed in any vessel or utensil used in the production, handling, or sale of milk any offal, swill, kerosene oil, or other offensive substances, nor shall return or cause to be returned any milk can or bottle which is in an unclean, insanitary, or offensive condition.

SEC. 9. *Enforcement.*—The city health commissioner shall enforce the provisions of this ordinance and regulations thereunder under the general direction of the city board of health and shall be responsible to that body for the conduct of his office.

SEC. 10. *Revocation.*—Any person violating any provision or regulation of this ordinance, or any person hindering, obstructing, or interfering with the city health commissioner in the discharge of his duties as hereinabove set forth shall, upon conviction thereof, be fined not less than \$5 nor more than \$50 for each offense.

SEC. 11. The term "milk" as used in this ordinance shall be taken to mean fresh milk, skim milk, cream, or buttermilk, and the term "person" shall be taken to mean any person, persons, individual, firm, partnership, or corporation.